C482 No. 204 of 2002

Hon'ble Irshad Hussain, J.

Heard Sri Navneet Kaushik, learned counsel appearing for the petitioner and the learned A.G.A.

This petition under section 482 of the Code of Criminal Procedure (for short "Code") is directed against the proceedings in Session Trial No. 59A of 2000, as a result of an order under section 319 of the Code, passed by the learned Sessions Judge, Udham Singh Nagar.

It is not disputed that the name of the petitioner was mentioned as one of the culprits by the prosecutrix and therefore, there was no illegality in passing the order summoning the petitioner under section 319 of the Code. Since the petitioner did not appear before the learned Sessions Judge, therefore orders for issuance of non-bailable warrants were passed. In the petition prayer has also been made for quashing the non-bailable warrants, which according to the petitioner were issued in view of the fact that the petition questioning the summoning order under section 319 of the Code. Was pending. Considering this, it is directed that the petitioner shall appear before the concerned sessions Judge so that he may be tried according to law and shall move application for bail which shall, preferably, be disposed of on the date of presentation.

With the above direction, the petition is disposed of.

(Irshad Hussain, J.)

28.08.02/B